

EXHIBIT A

NetApp's Patents

Exhibit A-1			
U.S. Patent No. 6,868,417			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 4	"mode layer" / "mode operations" / "mode layer operations"	<p>PLEASE NOTE: In several instances, including several claim terms Sun proposed for construction, the Patent and Trademark Office erroneously printed the word "mode" instead of "inode." A Request for a Certificate of Correction has been submitted to the PTO. <i>See</i> NAB0012821-12830.</p> <p><u>PROPOSED CONSTRUCTION "INODE LAYER":</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means layer of software that performs operations on inodes.</p> <p><u>PROPOSED CONSTRUCTION "INODE OPERATIONS" AND "INODE LAYER OPERATIONS":</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means operations performed on inodes.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <i>See</i> Dec. 20, 2000 New Application Transmittal at 24-27; Jan. 26, 2004 Preliminary Amendment at 2-7; March 2, 2004 Notice of Allowance at 2. • <i>See</i> claim 15, Abstract, 1:8-12; 1:31-34; 2:16-19; 2:40-59; 3:9-20; 3:47-67; 4:7-5:20; 9:60-10:4. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • NAB0012821-12830 (A Request for a 	<p>Sun contends this phrase is indefinite under 112, ¶2.</p> <p>In the alternative, if the court determines that the phrase is not indefinite, it should be construed to mean: "operations on inodes, where an inode is a data structure that points to the data blocks of a file and contains status information about the file"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '417 patent, Col. 1:39-47, 2:31-49, 3:21-6:8, 9:61-11:12, 11:20-12:50, Figs. 1-5, 11 and accompanying text. • '417 patent prosecution history, Amendment of 1/26/04, Notice of Allowability of 2/26/04. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-1			
U.S. Patent No. 6,868,417			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>Certificate of Correction)</p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	
1	“the mode layer operations”	<p><u>PLEASE NOTE:</u> In several instances, including several claim terms Sun proposed for construction, the Patent and Trademark Office erroneously printed the word “mode” instead of “inode.” A Request for a Certificate of Correction has been submitted to the PTO. <i>See</i> NAB0012821-12830.</p> <p><u>PROPOSED CONSTRUCTION “THE INODE OPERATIONS”:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means the operations performed on inodes.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <i>See</i> Jan. 26, 2004 Preliminary Amendment at 2-7; March 2, 2004 Notice of Allowance at 2 • <i>See</i> claim 15; Abstract, 1:8-12; 1:31-34; 2:16-19; 2:40-59; 3:9-20; 3:47-67; 4:7-5:20; 9:60-10:4 	<p>Sun contends this phrase is indefinite under 112, ¶2.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '417 patent, Abstract, Col. 1:1-12:61, Figs. 1-11 and accompanying text. • '417 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

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U.S. Patent No. 6,868,417			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	
8	“a linear space of modes”	<p><u>PLEASE NOTE:</u> In several instances, including several claim terms Sun proposed for construction, the Patent and Trademark Office erroneously printed the word “mode” instead of “inode.” A Request for a Certificate of Correction has been submitted to the PTO. <i>See</i> NAB0012821-12830.</p> <p><u>PROPOSED CONSTRUCTION “THE INODE OPERATIONS”:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means the operations performed on inodes.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <i>See</i> Jan. 26, 2004 Preliminary Amendment at 2-7; March 2, 2004 Notice of Allowance at 2 • <i>See</i> claim 15; Abstract, 1:8-12; 1:31-34; 2:16-19; 2:40-59; 3:9-20; 3:47-67; 4:7- 	<p>Sun contends this phrase is indefinite under 112, ¶2.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '417 patent, Abstract, Col. 1:1-12:61, Figs. 1-11 and accompanying text. • '417 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

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U.S. Patent No. 6,868,417			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>5:20: 9:60-10:4</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	
9	<p>“mode layer,” “mode storing all modes within the file system” and “mode sharing the file system’s root directory”</p>	<p><u>PLEASE NOTE:</u> In several instances, including several claim terms Sun proposed for construction, the Patent and Trademark Office erroneously printed the word “mode” instead of “inode.” A Request for a Certificate of Correction has been submitted to the PTO. See NAB0012821-12830.</p> <p><u>PROPOSED CONSTRUCTION “INODE LAYER”:</u> see above under “inode layer.”</p> <p><u>PROPOSED CONSTRUCTION “INODE STORING ALL INODES WITHIN THE FILE SYSTEM”:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means an inode that directly or indirectly contains all inodes in the file system.</p> <p><u>PROPOSED CONSTRUCTION “INODE SHARING THE FILE SYSTEM’S ROOT</u></p>	<p>Sun contends this phrase is indefinite under 112, ¶2.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '417 patent, Abstract, Col. 1:1-12:61, Figs. 1-11 and accompanying text. • '417 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun’s expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

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U.S. Patent No. 6,868,417			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>DIRECTORY</u>": No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means an inode that directly or indirectly contains the file system's root directory.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Jan. 26, 2004 Preliminary Amendment at 2-7; March 2, 2004 Notice of Allowance at 2 • See claim 15; Abstract, 1:8-12; 1:31-34; 2:16-19; 2:40-59; 3:9-20; 3:47-67; 4:7-5:20; 9:60-10:4; Figure 2, Figure 3 <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • NetApp reserves the right to rely on any evidence identified by Sun. • 	
10	"cloned modes"	<p><u>PLEASE NOTE:</u> In several instances, including several claim terms Sun proposed for construction, the Patent and Trademark Office erroneously printed the word "mode" instead of "inode." A Request for a Certificate of Correction has been submitted to the PTO. See NAB0012821-12830.</p>	<p>Sun contends this phrase is indefinite under 112, ¶2.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '417 patent, Abstract, Col. 1:1-12:61, Figs. 1-11 and accompanying text. • '417 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments,

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>PROPOSED CONSTRUCTION</u> <u>"CLONED INODES"</u>: No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means copies of inodes.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Jan. 26, 2004 Preliminary Amendment at 2-7; March 2, 2004 Notice of Allowance at 2 • See 2:45-48; 3:10-13; 6:16-18; 6:60-65 <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1	"storing data accessed by the file level and block level servers"	<p><u>PROPOSED CONSTRUCTION</u>: No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means implementing software routines to store data in response to requests by the file level or block level server.</p>	<p><u>PROPOSED CONSTRUCTION</u>: "storing data that is accessed by both the file and block level servers"</p> <p><u>EVIDENCE</u>:</p> <ul style="list-style-type: none"> • '417 patent, Abstract, Col. 1:1-12:61, Figs. 1-11 and accompanying text. • '417 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments,

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U.S. Patent No. 6,868,417			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:44-47; 2:60-3:2; 11:1-12. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1	"...performs identical data management operations upon the underlying block level and file level data"	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means provides the same management operations regardless of whether data originated from the block level or file level server.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 1:19-26; 1:39-47; 2:60-3:19; 10:48-61; 11:5-12; May 23, 2003 Amendment at 14. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. 	<p><u>PROPOSED CONSTRUCTION:</u> "each and every data management operation that is performed on block level data is performed on file level data and each and every data management operation that is performed on file level data is performed on block level data"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '417 patent, Col. 5:30-10:54, 11:5-12, 11:20-12:50, Figs. 1-5, 11 and accompanying text. • '417 patent prosecution history, Amendment of 5/23/03, Response of 11/24/03, Amendment of 1/26/04. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

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U.S. Patent No. 6,868,417			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	
1	“the storage layer underlying the block and file level servers”	<p><u>PROPOSED CONSTRUCTION:</u> The block and file level servers use operations provided by the storage layer.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Abstract; 1:8-12; 1:31-37; 2:16-19; 11:1-12; Fig. 1 and the accompanying text; Fig. 11; claim 1. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> “the storage layer is the software level immediately below and coupled to the block and file level servers and above the management layer”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '417 patent, Abstract, Col. 1:29-38, 2:10-3:30, Figs. 1, 11 and accompanying text. '417 patent prosecution history, Amendment of 5/23/03, Response of 11/24/03, Amendment of 1/26/04. layer: 1. In computer architecture, each part of the logical construction method which provides an interface between lower, more hardware-oriented entities and higher, more user-oriented entities. For example, a physical layer might specify the hardware to be used, while a data link layer may exist immediately above this and pass data to the physical layer for transmission. 2. In network architecture, a group of services, functions, and protocols that is complete from a conceptual point of view, that is one out of a set of hierarchically arranged groups, and that extends across all systems that conform to the network architecture. PRENTICE HALL'S ILLUSTRATED DICTIONARY OF COMPUTING (2d ed. 1995) p. 341. layer: 1. The protocol or protocols operating at a particular level within a protocol suite, such as IP within the TCP/IP suite. Each layer is responsible for providing specific services or functions for computers exchanging information over a communications network (such as the layers outlined in the ISO/OSI model shown in the table) and information is passed from one layer to the next. Although different suites have varying numbers of levels, generally the highest layer deals with software interactions at the application level, and the lowest

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			<p>governs hardware-level connections between different computers. See also ISO/OSI model, protocol stack, TCP/IP. 2. In communications and distributed processing, a set of rules and standards that handles a particular class of events. MICROSOFT PRESS COMPUTER DICTIONARY (3d ed. 1997) p. 278.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1	"sharing the storage layer"	<p><u>PROPOSED CONSTRUCTION:</u> Independently using the storage layer.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:8-12; 1:31-34; 1:44-47; 2:16-19; 2:66-3:2; 11:1-12; Fig. 1 and the accompanying text; <i>see also, e.g.</i>, claim 1. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '417 patent, Abstract, Col. 1:1-12:61, Figs. 1-11 and accompanying text. • '417 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 2, 3, 5, 6, 7, 18	"server"	<p><u>PROPOSED CONSTRUCTION:</u> A component that receives and processes requests relating to blocks or files.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:28-37; 2:10-26; 3:20-43; 	<p><u>PROPOSED CONSTRUCTION:</u> "a computer or program that is dedicated to providing information in response to external requests"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '417 patent, Abstract, Col. 1:1-12:61, Figs. 1-11 and accompanying text.

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U.S. Patent No. 6,868,417			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>9:65-10:14; Fig. 1 and the accompanying text; Fig. 11.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> • '417 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • server: 1. In a client/server network, a computer or program that is dedicated to providing information in response to external requests. <i>See</i> file server and print server. 2. On the Internet, a program that supplies information when it receives external requests via the Internet connections. WEBSTER'S NEW WORLD DICTIONARY OF COMPUTER TERMS (8th ed. 2000), p. 483. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '417 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-2			
U.S. Patent No. 7,313,720			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 11, 18, 19	“increas[ed/ing] a number of persistent consistency point images”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, because (i) it is part of the preamble, and not a limitation; and (ii) its meaning is plain on its face. To the extent the Court deems a construction necessary, the term means “to provide/providing more than a low predefined number of maintainable persistent consistency point images.”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> Title and Abstract; 5:4-29; 5:44-55; 11:20-36; 12:43-50; 12:63-13:10; 13:30-43. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Sun contends this phrase is indefinite under 112, ¶2.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '720 patent, Abstract, Figs. 1, 5 and associated disclosure Col. 1:64-5:55, 11:20-13:58, claims 1-20. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 7, 11, 13, 14, 19	“file system information (fsinfo) block”	<p><u>PROPOSED CONSTRUCTION:</u> A data structure containing information specifying the layout of a file system.</p> <p><u>INTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u> “a block located at a fixed location on disk describing the volume including at least the size of the volume, volume level options, and language”</p>

Exhibit A-2**U.S. Patent No. 7,313,720**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • See 4:38-40; 5:36-37; 9:6-10; 12:56-57. • See also the '292 patent at 13:66-67. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Figs. 1, 5-7 and associated disclosure, Col. 4:20-59, 5:30-43, 11:37-12:41, claims 1-16. • U.S. Pat. No. 7,072,916, Col. 3:54-4:20. • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, including without limitation, any references cited by the examiner or applicants. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
7, 8	"inode file"	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means a data structure that contains or references information about the inodes in a file system.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • See Fig. 1 and the accompanying text; 4:40-42; 4:51-52; 4:60-61; 9:5-14; 11:51-54. • See the '292 patent (incorporated by reference at 11:13-19) at 9:25-31; 11:10-12. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. 	<p><u>PROPOSED CONSTRUCTION:</u> "a file containing all file system inodes except for its own"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Abstract, Col. 1:1-16:11, Figs. 1-7 and accompanying text. • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-2			
U.S. Patent No. 7,313,720			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		NetApp reserves the right to rely on any evidence identified by Sun.	
1, 11, 18, 19	“volume information (volinfo) block”	<p><u>PROPOSED CONSTRUCTION:</u> A data structure that (i) is the root of a volume, (ii) includes file-system configuration data, and (iii) is capable of supporting levels of indirection, each of which allows additional persistent consistency point images to be maintained.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • See Abstract; 5:18-26; 5:44-55; 11:21-28; 13:30-39. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • NetApp reserves the right to rely on any evidence identified by Sun. • 	<p><u>PROPOSED CONSTRUCTION:</u> “block representing the volume root”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Abstract, Col. 1:1-16:11, Figs. 1-7 and accompanying text. • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 19	“file system”	<p><u>PROPOSED CONSTRUCTION:</u> A system that logically organizes file-related information (such as directories, files and blocks) in a tree structure.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • See 1:49-52; 6:28-33; 7:49-62. 	<p><u>PROPOSED CONSTRUCTION:</u> “a collection of files and file management structures”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Abstract, Col. 1:1-16:11, Figs. 1-7 and accompanying text. • '720 patent prosecution history, All Office Actions,

Exhibit A-2**U.S. Patent No. 7,313,720**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> See the '292 patent (incorporated by reference 3:62-4:2) at 9:26-11:27; 11:62-12:8; 15:48-16:9; 20:15-23; Claim 11; Figs. 16, 17A-17D and 22 and accompanying text; Jan. 28, 1995 Amendment and Response at 16. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> U.S. Patent 6,857,001. file system: a collection of files. Leffler, McKusick et al., THE DESIGN AND IMPLEMENTATION OF THE 4.3 BSD UNIX OPERATING SYSTEM, (1990), p. 422. file system: "... collection of files and file management structures on a physical or logical mass storage device..." IBM DICTIONARY OF COMPUTING, 10th Ed. (1993), p. 271. file system: (1) a collection of files and certain of their attributes. It provides a name space for file serial numbers referring to those files. (2) A collection of files and certain of their attributes. Each file system provides a separate binding of file serial numbers to files. A given file serial number is associated with at most one file in a file system, but it may refer to distinct files in distinct file systems. That is, each file system defines a new <i>name space</i>, giving meaning to the <i>names</i> (file serial numbers) that designate files. THE IEEE STANDARD DICTIONARY OF ELECTRICAL AND ELECTRONICS TERMS, SIXTH ED. (IEEE Std 100-1996), p.407. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 8, 11, 18, 19	"persistent consistency	<u>PROPOSED CONSTRUCTION:</u> A data	<u>PROPOSED CONSTRUCTION:</u> "a snapshot i.e., a point-

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
	point image (PCPI)"	<p>structure containing information specifying the layout of a file system.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • See 4:38-40; 5:36-37; 9:6-10; 12:56-57. • See also the '292 patent at 13:66-67. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>in-time representation of a storage element, such as an active file system, file or database, stored on a storage device or other persistent memory and having a name or other identifier that distinguishes it from other PCPIs taken at other points in time"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Abstract, Col. 1:1-16:11, Figs. 1-7 and accompanying text. • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 8, 18, 19	"PCPI fsinfo block"	<p><u>PROPOSED CONSTRUCTION:</u> fsinfo block (as construed herein) associated with a "PCPI" (as construed herein)</p> <p><u>INTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • See 5:40-43; 11:55-59; 11:54-58; 12:59-64, Fig. 5 and the accompanying text; Fig. 7. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this 	<p><u>PROPOSED CONSTRUCTION:</u> "fsinfo block associated with a snapshot"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Abstract, 1:1-16:11, Figs. 1-7 and accompanying text. • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.

Exhibit A-2**U.S. Patent No. 7,313,720**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>term to one of skill in the art in the context of its use in the '720 patent.</p> <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
9, 13	"volume block number"	<p><u>PROPOSED CONSTRUCTION:</u> Identifier for a block within a volume.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • See 1:56-61; 4:29-31; 4:30-43. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "a number identifying a block in a volume."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Abstract, Col. 1:1-16:11, Figs. 1-7 and accompanying text. • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 7, 8, 11, 14, 18, 19	"reference"/ "referenced"	<p><u>PROPOSED CONSTRUCTION:</u> <u>"reference"</u> (v.): Directly or indirectly point.</p> <p><u>"referenced"</u>: Directly or indirectly pointing to.</p> <p><u>PROPOSED CONSTRUCTION FOR</u></p>	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "point to."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Abstract, Col. 1:1-16:11, Figs. 1-7 and

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U.S. Patent No. 7,313,720			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>"REFERENCE"</u>: To directly or indirectly point</p> <p><u>PROPOSED CONSTRUCTION FOR "REFERENCED"</u>: Directly or indirectly pointing to</p> <p><u>INTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • See 2:65-3:1; 4:44-51; 4:60-61; 13:15-24; Fig. 7 and the accompanying text. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>accompanying text.</p> <ul style="list-style-type: none"> • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • U.S. Patent No. 6,574,591 • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
18	"means for providing a file system information (fsinfo) block associated with an active file system executing on the storage system" 112(6)	<p><u>PROPOSED CONSTRUCTION:</u> The term is subject to 35 U.S.C. § 112 ¶ 6. The corresponding structure is file system portion of a storage operating system.</p> <p><u>FUNCTION:</u> providing a file system information (fsinfo) block associated with an active file system executing on the storage system</p> <p><u>STRUCTURE:</u> The corresponding structure is file system portion of a storage operating</p>	<p><u>PROPOSED CONSTRUCTION:</u></p> <p><u>Structure:</u> an apparatus of Fig. 2 running a storage operating system 300, further described in Fig. 3 and associated disclosure, and running the WAFL file system with the incore and on-disk formats as described at Col. 4:38-5:3, 8:61-9:15, 10:24-11:18; and storing on disk array 260 an fsinfo block within an fsinfo file, the fsinfo block comprising an inode for an active file system inode file, which comprises inodes for an active map 525, a summary map 530, a space map 535, a root directory 540 and a hidden metadata directory 545, as shown in Fig. 5</p>

Exhibit A-2			
U.S. Patent No. 7,313,720			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>system.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • See 6:20-34; 7:50-63; 8:53-9:4. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>Function:</u> providing a file system information (fsinfo) block associated with an active file system executing on the storage system.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Abstract, Col. 1:1-16:11, Figs. 1-7 and accompanying text. • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
18	“means for providing one or more PCPI fsinfo blocks, each PCPI fsinfo block associated with a PCPI” 112(6)	<p><u>PROPOSED CONSTRUCTION:</u> The term is subject to 35 U.S.C. § 112 ¶ 6. The corresponding structure is file system portion of a storage operating system.</p> <p><u>FUNCTION:</u> Providing one or more PCPI fsinfo blocks, each PCPI fsinfo block associated with a PCPI</p> <p><u>STRUCTURE:</u> The corresponding structure is file system portion of a storage operating system.</p> <p><u>INTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u></p> <p><u>Structure:</u> an apparatus of Fig. 2 running a storage operating system 300, further described in Fig. 3 and associated disclosure, and running the WAFL file system with the incore and on-disk formats as described at Col. 4:38-5:3, 8: 61-9:15, 10:24-11:18; and storing on disk array 260 one or more PCPI fsinfo blocks in an fsinfo file, each PCPI fsinfo block comprising an inode for PCPI inode file, which comprises inodes for an active map 525, a summary map 530, a space map 535, a root directory 540 and a hidden metadata directory 545, as shown in Fig. 5</p> <p><u>Function:</u> providing one or more PCPI fsinfo blocks, each PCPI fsinfo block associated with a PCPI.</p>

Exhibit A-2**U.S. Patent No. 7,313,720**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • See 7:50-63; 8:53-9:4; 11:21-36. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '720 patent, Abstract, Col. 1:1-16:11, Figs. 1-7 and accompanying text. • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
18	“means for providing a volume information (volinfo) block at a predetermined location on disk of the storage system, the volinfo block comprising a plurality of pointers”	<p><u>PROPOSED CONSTRUCTION:</u> The term is subject to 35 U.S.C. § 112 ¶ 6. The corresponding structure is file system portion of a storage operating system.</p> <p><u>FUNCTION:</u> Providing a volume information (volinfo) block at a predetermined location on disk of the storage system, the volinfo block comprising a plurality of pointers configured to reference the fsinfo and PCPI fsinfo blocks.</p> <p><u>STRUCTURE:</u> The corresponding structure is file system portion of a storage operating system.</p> <p><u>INTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u></p> <p><u>Structure:</u> an apparatus of Fig. 2 running a storage operating system 300, further described in Fig. 3 and associated disclosure, and running the WAFL file system with the incore and on-disk formats as described at Col. 4:38-5:3, 8:61-9:15, 10:24-11:18; and storing on disk array 260 a volinfo block 600, as shown in Fig 6 and with the features described at Col. 11:60-13:14 and further comprising a vbn array 680 with a vbn lookup table 682 to reference the fsinfo and PCPI fsinfo blocks.</p> <p><u>Function:</u> providing a volume information (volinfo) block at a predetermined location on disk of the storage system, the volinfo block comprising a plurality of pointers configured to reference the fsinfo and PCPI fsinfo blocks.</p> <p><u>EVIDENCE:</u></p>

Exhibit A-2			
U.S. Patent No. 7,313,720			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • See 7:50-63; 8:53-9:4; 11:21-36; 13:1-3. <p><u>EXTRINSIC EVIDENCE:</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> • '720 patent, Abstract, Col. 1:1-16:11, Figs. 1-7 and accompanying text. • '720 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '720 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-3			
U.S. Patent No. 7,130,873			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 4, 11, 15, 25, 29, 39	"image stream"	<p><u>PROPOSED CONSTRUCTION:</u> A sequence of information representing data and metadata of a file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:2-2:7; 4:52-5:39; 6:11-26; 6:44-61; 7:4-11; 7:20-27; 7:64-8:2; 8:8-43; 9:53-58; 13:3-35; Figures 4A-4C, 9A-9B, and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>Dictionary of Computer and Internet Terms</u>, 9th Ed. (2006): Image 2. a copy, on a disk, of the contents of a computer's memory. Stream 1. in C++, LISP, and other computer languages, a file or device that can be read or written one character at a time. • <u>Microsoft Computer Dictionary</u> 5th Ed. (2002): Image 2. A duplicate, copy, or representation of all or part of a hard or floppy disk, a section of memory or hard drive, a file, a program, or data. Stream Any data transmission, such as the movement of a file between disk and memory, that occurs in a continuous flow. • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. 	<p><u>PROPOSED CONSTRUCTION:</u> "a sequence of data comprising storage blocks that is selected from a source file system and is transferred to a destination file system"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '873 patent, Abstract, Col. 1:1-16:58, Figs. 1-9B and accompanying text. • '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • '591 patent, Abstract, Figs. 2A, 5-7 and associated disclosure, Col. 1:28-37, 1:59-2:2, 4:57-64, 5:21-30, 8:53-60, 9:57-10:8, 10:60-65, 13:62-20:65, claims 1-88. • U.S. Pat. No. 7,174,352, Figs. 1, 3B, and associated disclosure, Col. 5:48-6:32. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-3			
U.S. Patent No. 7,130,873			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	
1, 15, 29	“said data including one or more block number (BN) pointers”	<p><u>PROPOSED CONSTRUCTION:</u> Plain meaning – There are one or more block number pointers included in the data.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Abstract; 1:28-37; 1:66-2:2; 3: 18-24; 4:13-16; 4:43-44; 5:14-17; 5:54-6:15; 6:48-61; 8:58-65; 9:8-21; 9:43-52; 9:63-65; 11:4-28; 11:43-48; Figures 2A-2B, 5-8, and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p><u>PROPOSED CONSTRUCTION:</u> “data transferred in the image stream including one or more pointers to file system storage blocks”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '873 patent, Abstract, Col. 1:1-16:58, Figs. 1-9B and accompanying text. '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 15, 29	“swizzl[e/ing] said BN pointers” (Sun)	<p><u>PROPOSED CONSTRUCTION:</u> Plain meaning – [Re-map/Re-mapping] the block number pointers in the storage blocks of the file system to which an image is being transferred to</p>	<p><u>PROPOSED CONSTRUCTION:</u> “remapping old BN pointers in storage blocks transferred in the image stream to new BN pointers”</p>

Exhibit A-3			
U.S. Patent No. 7,130,873			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
	“swizzl[e/ing] said BN pointer in said storage blocks of said destination file system in accordance with said second storage block arrangement” (NetApp)	<p>conform to the block arrangement in the second file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Abstract; 2:2-7; 3:64-66; 4:2-12; 4:16-29; 5:17-20; 5:25-34; 5:40-6:8; 6:36-39; 7:1-11; 7:22-34; 7:56-61; 8:3-7; 9:1-5; 9:48-52; 9:67-10:5; 10: 23-30; Figures 2A-2B, 3A-3C; 5-8, and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '873 patent, Abstract, Col. 1:1-16:58, Figs. 1-9B and accompanying text. '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. '591 patent, Abstract, Figs. 2A, 5-7 and associated disclosure, Col. 1:28-37, 1:59-2:2, 4:57-64, 5:21-30, 8:53-60, 9:57-10:8, 10:60-65, 13:62-20:65, claims 1-88. • U.S. Pat. No. 7,174,352, Figs. 1, 3B, and associated disclosure, Col. 5:48-6:32. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. Sun reserves the right to rely on any evidence identified by NetApp.
2, 30	“block-type bit”	<p><u>PROPOSED CONSTRUCTION:</u> A bit that describes the purpose of a storage block in the file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 3:14-16; 5:21-24; 6:48-50. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> <u>Dictionary of Computer and Internet Terms</u>, 9th Ed. (2006): Bit a shorthand term for binary digit. <u>Random House Concise Dictionary of Science & Computers</u> (2004): Bit 	<p><u>PROPOSED CONSTRUCTION:</u> “bit(s) in a blockmap file that describe the purpose of each storage block in the file system”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '873 patent, Abstract, Col. 1:1-16:58, Figs. 1-9B and accompanying text. '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>contraction of binary digit, in computing, a single binary digit, either 0 or 1. A bit is the smallest unit of data stored in a computer; all other data must be coded into a pattern of individual bits. Block in computing, a group of records treated as a complete unit for transfer to or from backing storage.</p> <ul style="list-style-type: none"> • <u>Microsoft Computer Dictionary</u> 5th Ed. (2002): Bit Short for binary digit. The smallest unit of information handled by a computer. One bit expresses a 1 or a 0 in a binary numeral, or a true or false logical condition, and is represented physically by an element such as a high or low voltage at one point in a circuit or a small spot on a disk magnetized one way or the other. Block 1. Generally, a contiguous collection of similar things that are handled together as a whole. 5. A collection of consecutive bytes of data that are read from or written to a device (such as a disk) as a group. • <u>The Illustrated Dictionary of Electronics</u>, 7th Ed. (1997): Bit An acronym formed from the words binary digit. The smallest or elementary unit of data in digital electronics. Represented either by logic 0 (low) or logic 1 (high). Block 2. A group of memory storage spaces. • <u>IBM Dictionary of Computing</u> (1994): Bit Either of the digits 0 or 1 when used in the binary numeration system. Synonymous with binary digit. Block (3) A string of data 	<ul style="list-style-type: none"> • '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. • '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-3			
U.S. Patent No. 7,130,873			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>elements recorded or transmitted as a unit. (4) A collection of contiguous records recorded as a unit.</p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	
	“block number (BN) pointer”	<p><u>PROPOSED CONSTRUCTION:</u> A reference to a storage block in a file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:28-37; 1:66-2:2; 3: 18-24; 4:13-16; 4:43-44; 5:14-17; 5:54-6:15; 6:48-61; 8:58-65; 9:8-21; 9:43-52; 9:63-65; 11:4-28; 11:43-48; Figures 2A-2B, 5-8, and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>Dictionary of Computer and Internet Terms</u>, 9th Ed. (2006): Pointer 2. a data item consisting of an address that tells where to find a desired item. • <u>Microsoft Computer Dictionary</u> 5th Ed. (2002): Pointer In programming and information processing, a variable that contains the memory location (address) of some data rather than the data itself. • <u>IBM Dictionary of Computing</u> (1994): 	<p><u>PROPOSED CONSTRUCTION:</u> “pointer to a file system storage block”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '873 patent, Abstract, Col. 1:1-16:58, Figs. 1-9B and accompanying text. • '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. • '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the

Exhibit A-3			
U.S. Patent No. 7,130,873			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>Pointer (1) A data element that indicates the location of another data element. (3) An identifier that indicates the location of an item of data.</p> <ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p>'873 patent.</p> <ul style="list-style-type: none"> Sun reserves the right to rely on any evidence identified by NetApp.
1, 2, 11, 15, 16, 25, 29, 30, 39	"swizzle/swizzling"	<p><u>PROPOSED CONSTRUCTION:</u> [Re-map/Re-mapping] block number pointers so that file system storage blocks can be stored at different locations on the destination file system than they are on the source file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 1:66-2:7; 4:13-20; 5:54-6:61; 8:56-12:42; Figures 2A, 2B, 5-8 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '873 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p><u>PROPOSED CONSTRUCTION:</u> "replacing old BN pointers with new BN pointers by referencing one or more block-lists"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '873 patent, Abstract, Col. 1:1-16:58, Figs. 1-9B and accompanying text. '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this

Exhibit A-3			
U.S. Patent No. 7,130,873			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			<p>term to one of skill in the art in the context of its use in the '873 patent.</p> <ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-4			
U.S. Patent No. 6,574,591			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 4, 11, 15, 25, 29, 39	"image stream"	<p><u>PROPOSED CONSTRUCTION:</u> A sequence of information representing data and metadata of a file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 1:64-2:2; 4:47-5:35; 6:7-22; 6:41-58; 7:1-8; 7:16-23; 7:60-65; 8:4-40; 9:51-56; 13:1-32; Figures 4A-4C, 9A-9B, and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>Dictionary of Computer and Internet Terms</u>, 9th Ed. (2006): Image 2. a copy, on a disk, of the contents of a computer's memory. Stream 1. in C++, LISP, and other computer languages, a file or device that can be read or written one character at a time. • <u>Microsoft Computer Dictionary</u> 5th Ed. (2002): Image 2. A duplicate, copy, or representation of all or part of a hard or floppy disk, a section of memory or hard drive, a file, a program, or data. Stream Any data transmission, such as the movement of a file between disk and memory, that occurs in a continuous flow. • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p><u>PROPOSED CONSTRUCTION:</u> "a sequence of data comprising storage blocks that is selected from a source file system and is transferred to a destination file system"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '591 patent, Abstract, Figs. 2A, 5-7 and associated disclosure, Col. 1:28-37, 1:59-2:2, 4:57-64, 5:21-30, 8:53-60, 9:57-10:8, 10:60-65, 13:62-20:65, claims 1-88. • U.S. Pat. No. 7,174,352, Figs. 1, 3B, and associated disclosure, Col. 5:48-6:32. • '591 patent prosecution history, 02/14/2002 PTO Office Action and all references disclosed therein and 05/14/2002 Response thereto, 08/22/2002 Office Action and all references disclosed therein and 11/22/2002 Response thereto. • U.S. 7,130,873 • '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 15, 29	"said data including one or more block number (BN) pointers"	<p><u>PROPOSED CONSTRUCTION:</u> Plain meaning – There are one or more block number pointers included in the data.</p>	<p><u>PROPOSED CONSTRUCTION:</u> "data transferred in the image stream including one or more pointers to file system storage blocks"</p>

Exhibit A-4**U.S. Patent No. 6,574,591**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:28-37; 1:61-64; 3:13-19; 4:8-11; 4:38-39; 5:9-12; 5:50-6:11; 6:47-58; 8:55-62; 9:5-18; 9:41-50; 9:61-63; 11:2-26; 11:41-46; Figures 2A-2B, 5-8, and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. • '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • U.S. 7,130,873 • '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 15, 29, 35, 45, 59, 73, 79	"swizzl[e/ing] said BN pointers"	<p><u>PROPOSED CONSTRUCTION:</u> Plain meaning – [Re-map/Re-mapping] the block number pointers in the storage blocks of the file system to which an image is being transferred to conform to the block arrangement in the second file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:64-2:2; 3:58-61; 3:65-4:7; 4:11-24; 5:12-15; 5:21-30; 5:36-6:4; 6:33-36; 6:65-7:8; 7:18-30; 7:52-57; 7:66-8:3; 8:65-9:2; 9:46-49; 9:65-10:3; 10:21-28; 10:40-59; Figures 2A-2B, 3A- 	<p><u>PROPOSED CONSTRUCTION:</u> "remapping old BN pointers in storage blocks transferred in the image stream to new BN pointers"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '591 patent, Abstract, Figs 2A-7, 9A-B and associated disclosure, Col. 4:7-30, 5:6-24, 5:50:6-4, 6:24-33, 6:59-7:65, 8:53-9:26, 9:57-10:36, 10:60-11:15, 13:62-20:65, claims 1-88; • '591 patent, February 14, 2002 PTO Office Action and all references disclosed therein and May 14, 2002

Exhibit A-4**U.S. Patent No. 6,574,591**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>3C; 5-8, and accompanying text.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p>Response thereto, August 22, 2002 Office Action and all references disclosed therein and November 22, 2002 Response thereto.</p> <ul style="list-style-type: none"> • U.S. 7,130,873 • '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
2, 30	"block-type bit"	<p><u>PROPOSED CONSTRUCTION:</u> A bit that describes the purpose of a storage block in the file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 3:9-12; 5:16-19; 6:45-47. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>Dictionary of Computer and Internet Terms</u>, 9th Ed. (2006): Bit a shorthand term for binary digit. • <u>Random House Concise Dictionary of Science & Computers</u> (2004): Bit contraction of binary digit, in computing, a single binary digit, either 0 or 1. A bit is the smallest unit of data stored in a computer; all other data must be coded into a pattern of individual bits. Block in computing, a group of records treated as a complete unit for transfer to or 	<p><u>PROPOSED CONSTRUCTION:</u> "bit(s) in a blockmap file that describe the purpose of each storage block in the file system"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. • '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • U.S. 7,130,873 • '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior

Exhibit A-4**U.S. Patent No. 6,574,591**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>from backing storage.</p> <ul style="list-style-type: none"> • <u>Microsoft Computer Dictionary</u> 5th Ed. (2002): Bit Short for binary digit. The smallest unit of information handled by a computer. One bit expresses a 1 or a 0 in a binary numeral, or a true or false logical condition, and is represented physically by an element such as a high or low voltage at one point in a circuit or a small spot on a disk magnetized one way or the other. Block 1. Generally, a contiguous collection of similar things that are handled together as a whole. 5. A collection of consecutive bytes of data that are read from or written to a device (such as a disk) as a group. • <u>The Illustrated Dictionary of Electronics</u>, 7th Ed. (1997): Bit An acronym formed from the words binary digit. The smallest or elementary unit of data in digital electronics. Represented either by logic 0 (low) or logic 1 (high). Block 2. A group of memory storage spaces. • <u>IBM Dictionary of Computing</u> (1994): Bit Either of the digits 0 or 1 when used in the binary numeration system. Synonymous with binary digit. Block (3) A string of data elements recorded or transmitted as a unit. (4) A collection of contiguous records recorded as a unit. • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p>art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-4**U.S. Patent No. 6,574,591**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
	“block number (BN) pointer”	<p><u>PROPOSED CONSTRUCTION:</u> A reference to a storage block in a file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:28-37; 1:61-64; 3:13-19; 4:8-11; 4:38-39; 5:9-12; 5:50-6:11; 6:47-58; 8:55-62; 9:5-18; 9:41-50; 9:61-63; 11:2-26; 11:41-46; Figures 2A-2B, 5-8, and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Terms, 9th Ed. (2006): Pointer 2. a data item consisting of an address that tells where to find a desired item. • Microsoft Computer Dictionary 5th Ed. (2002): Pointer In programming and information processing, a variable that contains the memory location (address) of some data rather than the data itself. • IBM Dictionary of Computing (1994): Pointer (1) A data element that indicates the location of another data element. (3) An identifier that indicates the location of an item of data. • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p><u>PROPOSED CONSTRUCTION:</u> “pointer to a file system storage block”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. • '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • U.S. 7,130,873 • '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
18, 29, 37, 62, 73, 81	“image stream generation mechanism”	<p><u>PROPOSED CONSTRUCTION:</u> Plain meaning – A mechanism for generating a sequence of data representing the contents and structure of a file system.</p>	<p><u>PROPOSED CONSTRUCTION:</u> “a procedure that generates an image stream by determining a first storage block arrangement that specifies how/where the data</p>

Exhibit A-4**U.S. Patent No. 6,574,591**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 1:64-2:2; 4:47-5:19; 6:41-44; 6:59-7:7; 7:16-23; 7:33-46; 7:60-65; 8:4-40; Figures 2A; 3A-3C, 4A-4C and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p>stored on the source file system is located on the image stream and then reading the data from the source file system in accordance with that first storage block arrangement”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. • '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • U.S. 7,130,873 • '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
15, 29, 44, 59, 69, 73, 79, 88	“image stream writing mechanism”	<p><u>PROPOSED CONSTRUCTION:</u> Plain meaning – A mechanism for writing a sequence of data representing the contents and structure of a file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 5:20-29; 6:5-22; 9:21-39; 9:65-10:3; 10:31-39; 	<p><u>PROPOSED CONSTRUCTION:</u> “a procedure that determines the second storage block arrangement for the destination file system and writes the image stream to the destination file system using actual or normalized block lists”</p>

Exhibit A-4**U.S. Patent No. 6,574,591**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>11:2-32; 11:53-12:3; 12:43-46; 13:24-32; Figures 2A, 5-7, and accompanying text.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. • '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • U.S. 7,130,873 • '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 2, 11, 15, 16, 25, 29, 30, 39	"swizzle/swizzling"	<p><u>PROPOSED CONSTRUCTION:</u> [Re-map/Re-mapping] block number pointers so that file system storage blocks can be stored at different locations on the destination file system than they are on the source file system.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 1:61-2:2; 4:8-37; 5:50-6:58; 8:57-12:40; Figures 2A-2B, 5-8 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p>	<p><u>PROPOSED CONSTRUCTION:</u> "replacing old BN pointers with new BN pointers by referencing one or more block-lists"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. • '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any

Exhibit A-4**U.S. Patent No. 6,574,591**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p>references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> U.S. 7,130,873 '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. Sun reserves the right to rely on any evidence identified by NetApp.
15, 29, 35, 36, 44, 59, 73, 79, 80, 88	"swizzle mechanism"	<p><u>PROPOSED CONSTRUCTION:</u> Plain meaning – Mechanism for swizzling.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 1:61-2:2; 4:8-37; 5:50-6:58; 8:57-12:40; Figures 2A-2B, 5-8 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<p><u>PROPOSED CONSTRUCTION:</u> "a procedure that replaces old BN pointers with new BN pointers by referencing one or more block-lists"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '591 patent, Abstract, Col. 1:1-20:62, Figs. 1-9B and accompanying text. '591 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. U.S. 7,130,873 '873 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any

Exhibit A-4			
U.S. Patent No. 6,574,591			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			<p>references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '591 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-5**U.S. Patent No. 7,107,385**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 3, 5, 17, 26, 30 and 31	“virtual disk(s) (vdisk(s))”	<p><u>PROPOSED CONSTRUCTION:</u> A storage object that emulates a “lun” (as defined herein).</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 3:8-22; 4:47-55; 6:16-19; 8:32-39; 10:14-29; 12:1-21; 12:48-13:13; Fig. 5 and the accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> “a storage object within a file system encapsulated as a lun inode pointing to at least one stream inode that is managed as a regular file emulating a physical disk”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '385 patent, col. 1:22-25; col. 2:10-67; col. 3:3-50; col. 4:47-55; col. 5:21-42; col. 6:33-48; col. 6:58 - col. 7:8; col. 8:32-47; col. 8:59-col. 9:34; col. 10:7-19; col. 10:27-29; col. 10:51-67; col. 11:14-17; col. 11:26 - col. 12:34; col. 12:51 - col. 13:13; col. 13:31 - col. 14:7; col. 14:24 - col. 15:30; col. 15:39-45; col. 15:65 - col. 16:11; col. 16:34-43; Figs. 5 and 6 and accompanying description. • U.S. Patent No. 6,643,654 and U.S. Patent No. 7,162,486 and associated prosecution histories. • U.S. Patent No. 5,819,292 and related patents, including U.S. Patent No. 6,892,211, and associated prosecution histories. • '385 Patent Prosecution History: Office action mailed February 6, 2004 and references cited therein. • '385 Patent Prosecution History: Amendment and response filed on or about May 12, 2004 and references cited therein. • '385 Patent Prosecution History: Supplemental amendment and response filed on or about May 14, 2004 and references cited therein. • '385 Patent Prosecution History: Office action mailed August 5, 2004 and references cited therein. • '385 Patent Prosecution History: Amendment after final rejection filed on or about Sept. 13, 2004 and references cited therein. • '385 Patent Prosecution History: Preliminary amendment filed in the request for continued examination filed on or about Nov. 15, 2004 and references cited therein. • '385 Patent Prosecution History: Notice of allowability mailed July 21, 2005. • Testimony by Sun's expert concerning the meaning of this term to one

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			of skill in the art in the context of its use in the '385 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
5, 26, 31	“encapsulated storage object”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means “a storage object that includes at least two sub-objects.”</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 3:28-40; 11:40-43; 14:35-53. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> “an object formed by pointers from a main container to a persistent store of attributes of a vdisk”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '385 patent, Abstract, Col. 1:1-24:44, Figs. 1-6 and accompanying text. • '385 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
17, 30	“lun create command”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means “a request to create a lun” (as defined herein).</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 3:18-22; 15:19-21; 15:31-42; 16:1-13. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of 	<p><u>PROPOSED CONSTRUCTION:</u> “command requiring only a size and a path descriptor to create a vdisk”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '385 patent, Abstract, Col. 1:1-24:44, Figs. 1-6 and accompanying text. • '385 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent.

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>skill in the art in the context of its use in the '385 patent.</p> <p>NetApp reserves the right to rely on any evidence identified by Sun.</p>	<ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.
1	“performed in response to a user request ... without further user involvement”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means “performed automatically in response to a user request.”</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 3:3-22; 3:41-49; 10:51-67; 11:14-17; 11:32:35; May 12, 2004 Amendment at 38-41; September 13, 2004 Amendment After Final Rejection at 29-30; 31-32. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> “performed in response to a user request defining the size and path descriptor of the vdisk and not requiring further definition.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '385 patent, Abstract, Col. 1:1-24:44, Figs. 1-6 and accompanying text. • '385 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
5, 26	“logical unit number (lun) inode”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means a sub-object that stores or points directly or indirectly to contents of an emulated lun.</p>	<p><u>PROPOSED CONSTRUCTION:</u> “a specialized data structure comprising a main container for data of a vdisk defined by a user or application and pointers to a persistent store of attributes of a vdisk.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '385 patent, Abstract, Col. 1:1-24:44, Figs. 1-6 and accompanying text.

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Claim 5; 3:28-33; 12:51-54; 12:63-67; Fig. 5. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> • '385 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
5, 26	"stream inode"	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means a sub-object that stores or points directly or indirectly to attribute information of an emulated lun.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Claim 5; 3:28-40; Fig. 5 and the accompanying text; 12:51-54; 13:24-59; 16:1-6. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • NetApp reserves the right to rely on any 	<p><u>PROPOSED CONSTRUCTION:</u> "a specialized data structure different from a file inode, directory inode or lun inode for persistently storing attribute information comprising the logical name, reserved size, permissions, and addressing information."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '385 patent, Abstract, Col. 1:1-24:44, Figs. 1-6 and accompanying text. • '385 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-5			
U.S. Patent No. 7,107,385			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		evidence identified by Sun.	
5, 26	“hierarchical structure of vdisks”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means a tree structure for logically organizing a plurality of storage objects, including vdisks.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> 4:31-36; 6:62-7:9; 10:30-51; 12:31-34; 12:48-62; claim 17 <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> “structure of one more vdisks within a vdisk”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '385 patent, Abstract, Col. 1:1-24:44, Figs. 1-6 and accompanying text, '385 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 3, 5, 26, 30, 31	“file system”	<p><u>PROPOSED CONSTRUCTION:</u> A system that logically organizes file-related information (such as directories, files and blocks) in a tree structure.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Abstract; Fig. 3 and the accompanying text; 1:18-27; 3:3-17; 3:65-67; 4:31-36; 6:62-7:8; 8:59-9:4; 9:5-19. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: “a collection of files and file management structures.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '385 patent, Abstract, Col. 1:1-24:44, Figs. 1-6 and accompanying text. '385 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without

Exhibit A-5**U.S. Patent No. 7,107,385**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • See the '292 patent at 9:26-11:27; 11:62-12:8; 15:48-16:9; 20:15-23; Claim 11; Figs. 16, 17A-17D and 22 and accompanying text; Jan. 28, 1995 Amendment and Response at 16 (Incorporated by Reference, <i>see</i> 9:12-19). <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • U.S. Patent 6,857,001. • file system: a collection of files. Leffler, McKusick et al., THE DESIGN AND IMPLEMENTATION OF THE 4.3 BSD UNIX OPERATING SYSTEM, (1990), p. 422. • file system: "... collection of files and file management structures on a physical or logical mass storage device..." IBM DICTIONARY OF COMPUTING, 10th Ed. (1993), p. 271. • file system: (1) a collection of files and certain of their attributes. It provides a name space for file serial numbers referring to those files. (2) A collection of files and certain of their attributes. Each file system provides a separate binding of file serial numbers to files. A given file serial number is associated with at most one file in a file system, but it may refer to distinct files in distinct file systems. That is, each file system defines a new <i>name space</i>, giving meaning to the <i>names</i> (file serial numbers) that designate files. THE IEEE STANDARD DICTIONARY OF ELECTRICAL AND ELECTRONICS TERMS, SIXTH ED. (IEEE Std 100-1996), p.407. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
26	"logical unit number (lun)"	<p><u>PROPOSED CONSTRUCTION:</u> A storage object addressable via a block access protocol within a storage area network (SAN) environment.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • 2:5-9; 2:29-38; 2:44-46; 2:54-65; 3:33-37; 4:47-49; 8:34-39. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '385 patent, Abstract, Col. 1:1-24:44, Figs. 1-6 and accompanying text. • '385 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any

Exhibit A-5**U.S. Patent No. 7,107,385**

Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent.</p> <ul style="list-style-type: none"> • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '385 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Sun's Patents

Exhibit A-6			
U.S. Patent No. 5,124,987			
Claim No(s).	Claim Term	NetApp Proposed Claim Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
9, 13, 14, 57, 64, 73, 80	"stream of data records"	<p><u>PROPOSED CONSTRUCTION:</u> A contiguous group of count-key-data format storage units received from a processor.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 1:15-5:28, 5:50-6:10, 6:55-7:28, 7:46-8:10, 8:46-50, 9:10-28, 9:65-11:6, 14:1-18-28, 19:19-20:50, Fig. 7 and accompanying text; File History, Amendment Sept. 25, 1991, Final Rejection, Nov. 20, 1991, Amendment, Jan. 21, 1992. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '987 patent, Abstract, Col. 1:1-36:45, Figs. 1-9 and accompanying text. • '987 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
9, 57	"first available memory space"	<p><u>PROPOSED CONSTRUCTION:</u> Empty logical track.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 3:25-46, 4:61-5:12, 7:9-44, 19:31-20:50; Figs. 6-9 and accompanying text; File History, Amendment Sept. 25, 1991, Final Rejection, Nov. 20, 1991, Amendment, Jan. 21, 1992. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '987 patent, Col. 3:25-5:28, 5:50-7:44, 8:54-9:30, 10:46-11:6, 14:1-16:2, 19:32-22:14, claims 1-80, Figs. 1, 6-9 and associated disclosure. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • Sun reserves the right to rely on any evidence identified by

Exhibit A-6**U.S. Patent No. 5,124,987**

Claim No(s).	Claim Term	NetApp Proposed Claim Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	NetApp.
9	“writing said received stream of data records and redundancy data associated with said received stream of data records in said selected first available memory space in said selected redundancy group”	<p><u>PROPOSED CONSTRUCTION:</u> Once the redundancy data has been calculated, writing all of the data records and the redundancy data onto a first available memory space in a single redundancy group.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 1:31-37, 3:25-46, 4:61-5:12, 7:9-44, 19:31-20:50; Figs. 6-9 and accompanying text; File History, Amendment Sept. 25, 1991, Final Rejection, Nov. 20, 1991, Amendment, Jan. 21, 1992. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '987 patent, Abstract, Col. 1:1-36:45, Figs. 1-9 and accompanying text. • '987 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
12	“switchably connecting”	<p><u>PROPOSED CONSTRUCTION:</u> Connecting in place of.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 4:10-15, 9:15-18, 13:15-68; Fig. 1 and 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '987 patent, Abstract, Col. 1:1-36:45, Figs. 1-9 and accompanying

Exhibit A-6**U.S. Patent No. 5,124,987**

Claim No(s).	Claim Term	NetApp Proposed Claim Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>accompanying text.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>text.</p> <ul style="list-style-type: none"> • '987 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
73	“first available one of said logical tracks”	<p><u>PROPOSED CONSTRUCTION:</u> Empty logical track.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 3:25-46, 4:61-5:12, 7:9-44, 19:31-20:50; Figs. 6-9 and accompanying text; File History, Amendment Sept. 25, 1991, Final Rejection, Nov. 20, 1991, Amendment, Jan. 21, 1992. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '987 patent, Col. 3:25-5:28, 5:50-7:44, 8:54-9:30, 10:46-11:6, 14:1-16:2, 19:32-22:14, claims 1-80, Figs. 1, 6-9 and associated disclosure. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
57, 73	“same relative address”	<p><u>PROPOSED CONSTRUCTION:</u> Same address on each respective disk in a single redundancy group.</p> <p><u>INTRINSIC EVIDENCE</u></p>	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: “same corresponding location.”</p> <p><u>EVIDENCE:</u></p>

Exhibit A-6			
U.S. Patent No. 5,124,987			
Claim No(s).	Claim Term	NetApp Proposed Claim Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • See 1:15-23, 3:47-4:60, 5:50-6:31, 14:1-16:2. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> • '987 patent, Abstract, Col. 1:1-36:45, Figs. 1-9 and accompanying text. • '987 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
15, 57, 73	"redundancy segment"	<p><u>PROPOSED CONSTRUCTION:</u> Segment of redundancy information.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:41-4:38, 6:10-54, 7:9-28, 8:54-9:30, 10:46-11:6, 14:1-16:2; Figs. 1, 3, 8 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "data segment storing redundancy (i.e. parity or data reconstruction) information."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '987 patent, Abstract, Col. 1:1-36:45, Figs. 1-9 and accompanying text. • '987 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
9, 57, 73	"in response to the receipt of a stream of data records/in	<p><u>PROPOSED CONSTRUCTION:</u> After and in reaction to each receipt of a stream of data records.</p>	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p>

Exhibit A-6			
U.S. Patent No. 5,124,987			
Claim No(s).	Claim Term	NetApp Proposed Claim Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
	response to the receipt of N streams of data records"	<p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 1:15-5:28, 7:45-9:29, 9:65-11:6, Figs 1, 2 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '987 patent, Abstract, Col. 1:1-36:45, Figs. 1-9 and accompanying text. • '987 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '987 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
1, 2, 13, 14, 37, 38, 48	“data storage characteristics”	<p><u>PROPOSED CONSTRUCTION:</u> Physical characteristics of a disk drive.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:23-2:22, 15:10-26, 19:23-21:5, Fig. 10 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 13, 37	“emulatable”	<p><u>PROPOSED CONSTRUCTION:</u> Able to be imitated.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:23-2:22, 2:47-60, 4:6-35, 6:32-50, 12:5-14, Fig. 10 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: “useable.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>the context of its use in the '855 patent.</p> <ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Allowability.</p> <ul style="list-style-type: none"> Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1	<p>“means for selecting at least one of said data storage characteristics” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is selecting at least one of said data storage characteristics.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Abstract, 2:3-22, 4:6-35, 11:55-12:1, 15:22-25, 17:52-54, 18:60-21:5, Figs. 1, 10 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> <u>Function:</u> “for selecting at least one of data storage characteristics” <u>Structure:</u> “control software to select one or more characteristics 1002.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1	“means for querying	<u>PROPOSED CONSTRUCTION:</u>	<u>PROPOSED CONSTRUCTION:</u>

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
	each said disk drive to determine a disk drive format, corresponding to said selected data storage characteristics, implemented on each of said disk drives" 112(6)	<p>This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is querying each said disk drive to determine a disk drive format, corresponding to said selected data storage characteristics, implemented on each of said disk drives.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 2:3-22, 4:6-35, 11:55-12:1, 15:22-25, 17:52-54, 18:60-21:5, Figs. 1, 10 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>Function:</u> "for querying each said disk drive to determine a disk drive format"</p> <p><u>Structure:</u> "control software that queries one or more disk drives 1007, 1009"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1	"means for selecting a disk drive format, corresponding to said selected data storage	<p><u>PROPOSED CONSTRUCTION:</u></p> <p>This term is subject to 35 U.S.C. § 112, ¶ 6.</p>	<p><u>PROPOSED CONSTRUCTION:</u></p> <p><u>Function:</u> "for selecting a disk drive format"</p> <p><u>Structure:</u> "control software that selects a common format for disk drives 1003, 1006, 1007 and 1009"</p>

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
	characteristic, that is emulatable by each of said disk drives” 112(6)	<p>The function is selecting a disk drive format, corresponding to said selected data storage characteristic, that is emulatable by each of said disk drives.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 1:23-2:22, 2:47-60, 4:6-35, 6:32-50, 11:55-12:1, 12:5-14, 15:22-25, 17:52-54, 18:60-21:5, Figs. 1, 10 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1	“means for configuring said plurality of disk drives to match said selected common disk drive format” 112(6)	<p><u>PROPOSED CONSTRUCTION:</u></p> <p>This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is configuring said plurality of disk drives to match said selected common disk drive format.</p>	<p><u>PROPOSED CONSTRUCTION:</u></p> <p><u>Function:</u> “for configuring said plurality of disk drives to match said selected common disk drive format”</p> <p><u>Structure:</u> “control software that sets one or more variables of said selected common disk drive format 1004”</p> <p><u>EVIDENCE:</u></p>

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 1:23-2:22, 2:47-60, 4:6-35, 6:32-50, 11:55-12:1, 12:5-14, 15:22-25, 17:52-54, 18:60-21:5, Figs. 1, 10 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1	“means, responsive to the receipt of a stream of data records from said associated data processor, for writing said received stream of data records in available memory space in one of said disk drives” 112(6)	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is responsive to the receipt of a stream of data records from said associated data processor, writing said received stream of data records in available memory space in one of said disk drives.</p> <p>The corresponding structures are disk</p>	<p><u>PROPOSED CONSTRUCTION:</u> <u>Function:</u> “for writing said received stream of data records in available memory space in one of said disk drives” <u>Structure:</u> “portion of control unit writing a data record 706-711.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, Col. 5, lines 25-28; Col. 5, lines 33-60; Col. 7, line 19-Col. 8, line 27; Col. 16, line 9-Col. 17, line 25; FIGs 2, 6, and 7, and associated disclosure. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>drive manager 102-1 and control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 4:36-55, 6:9-31, 7:19-66, 11:21-13:21, 16:26-64; Fig. 1 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>patent.</p> <ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.
1	<p>“means for querying all said disk drives to determine said data storage characteristics of each of said disk drives” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is querying all said disk drives to determine said data storage characteristics of each of said disk drives.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 2:3-22, 4:6-35, 11:55-12:1, 15:22-25, 17:52-54, 	<p><u>PROPOSED CONSTRUCTION:</u> <u>Function:</u> “for querying all said disk drives to determine said data storage characteristics of each of said disk drives” <u>Structure:</u> “control software that determines whether all drives in a group have been checked 1003”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>18:60-21:5, Figs. 1, 10 and accompanying text.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>term to one of skill in the art in the context of its use in the '855 patent.</p> <ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.
5	<p>“means, responsive to the subsequent receipt of modifications to one of said data records stored in one of said disk drives from said associated data processor, for writing said modified data record in available memory space in one of said disk drives” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is responsive to the subsequent receipt of modifications to one of said data records stored in one of said disk drives from said associated data processor, writing said modified data record in available memory space in one of said disk drives.</p> <p>The corresponding structures are disk drive manager 102-1 and control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 4:36-55, 6:9-31, 7:19-66, 11:21-13:21, 16:9-17:25; 	<p><u>PROPOSED CONSTRUCTION:</u> <u>Function:</u> “for writing said modified data record in available memory space in one of said disk drives” <u>Structure:</u> “portion of control unit writing modified data 706-711”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, Col. 5, lines 25-28; Col. 5, lines 33-60; Col. 7, line 19-Col. 8, line 27; Col. 16, line 9-Col. 17, line 25; FIGs 2, and 7, and associated disclosure. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>Figs. 1, 7 and accompanying text.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	
5	<p>“means for converting said memory space used to store said originally received data record to available memory space” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is converting said memory space used to store said originally received data record to available memory space.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:47-60, 17:26-18:53, Figs. 1, 8, 9 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 	<p><u>PROPOSED CONSTRUCTION:</u> <u>Function:</u> “for converting said memory space used to store said originally received data record to available memory space” <u>Structure:</u> “portion of control unit that updates space as unused 703”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>patent.</p> <ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	
6	<p>“means for reserving at least one of said disk drives as backup disk drives, which backup disk drives are shared in common by the remaining ones of said disk drives” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is reserving at least one of said disk drives as backup disk drives, which backup disk drives are shared in common by the remaining ones of said disk drives.</p> <p>The corresponding structures are disk drive manager 102-1 and control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 3:23-52, 4:31-35, 5:13-20, 10:36-20, 20:59-64; Figs 1, 3 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> <u>Function:</u> “for reserving at least one of said disk drives as backup disk drives” <u>Structure:</u> “portion of control unit to de-activate/activate a disk drive within a spare pool (125-1 and 125-r, col. 10, lines 45-47)”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
6	<p>“means for identifying one of said disk drives that fails to function” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is identifying one of said disk drives that fails to function.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 3:23-52, 4:31-35, 5:13-20, 10:36-20, 20:59-64; Figs 1, 3 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Function: “for identifying one of said disk drives that fails to function” Structure: “portion of control unit that determines a malfunction (col. 10, lines 37-42)”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
6	<p>“means for switchably connecting one of said backup disk drives in place of said identified failed disk drive” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is switchably connecting one of said backup disk drives in place of said identified failed disk drive.</p>	<p><u>PROPOSED CONSTRUCTION:</u> Function: “for switchably connecting one of said backup disk drives in place of said identified failed disk drive” Structure: “portion of control unit that transmits a control message to use a spare drive (col. 10, lines 39-53)”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions,

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>The corresponding structure is disk drive manager 102-1 and control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 3:23-52, 4:31-35, 5:13-20, 10:36-20, 20:59-64; Figs 1, 3 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
	“responsive to the receipt of a stream of data records/in response to the receipt of a stream of data records”	<p><u>PROPOSED CONSTRUCTION:</u> After and in reaction to each receipt of a contiguous group of count-key-data format storage units.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 4:36-55, 6:8-37, 7:19-66, 11:21-13:21-18:53; Fig. 1 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '855 patent, 1:1-28:16, Figs. 1-10 and accompanying text. • '855 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this

Exhibit A-7			
U.S. Patent No. 5,430,855			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Proposed Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>concerning the meaning of this term to one of skill in the art in the context of its use in the '855 patent.</p> <ul style="list-style-type: none"> • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>term to one of skill in the art in the context of its use in the '855 patent.</p> <ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-8			
U.S. Patent No. 5,721,937			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1	“said central processing unit sets a condition indicating that said central processing unit is currently not required”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary. Plain and ordinary meaning.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 3:66-4:11; 4:20-24; 4:30-46; 5:60-6:13; 7:55-61; 8:1-5; 8:12-15; 8:22-27; 8:39-45; 8:61-64; 9:41-47; Figs 2, 4, 5, 6 and accompanying text. • File History, at March 24, 1997 Preliminary Amendment; Sept. 10, 1997 Office Action, including U.S. Patent No. 5,657,483; Sept. 30, 1997 Amendment and Terminal Disclaimer. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • NetApp experts may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '937 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> “the central processing unit writes a value to the power management circuit that tells the power management circuit to assert standby mode”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '937 patent, 1:1-12:32, Figs. 1-6 and accompanying text. • '937 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '937 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
10	“basic housekeeping functions”	<p><u>PROPOSED CONSTRUCTION:</u> Functions that do not contribute directly to the desired result of a computer program, but that are used for such things as monitoring the scheduler</p>	<p><u>PROPOSED CONSTRUCTION:</u> “a group of maintenance operations performed by the central processing unit, such as monitoring the scheduler queues, updating time-dependent processes (e.g., a clock displayed on the screen of the computer), and</p>

Exhibit A-8			
U.S. Patent No. 5,721,937			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>queues, updating time-dependent processes (such as a clock displayed on the screen of the computer), etc.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 2:24-29; 2:45-54; 7:45-55; 8:12-15; Figs. 4, 5 and accompanying text. • File History, at March 24, 1997 Preliminary Amendment; Sept. 10, 1997 Office Action, including U.S. Patent No. 5,657,483; Sept. 30, 1997 Amendment and Terminal Disclaimer. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>IBM Dictionary of Computing (1994): housekeeping operations</u> An operation that facilitates execution of a computer program without making a direct contribution; for example, initialization of storage areas, execution of a calling sequence. • <u>IBM Dictionary of Computing (1994): housekeeping Operations</u> or routines that do not contribute directly to the solution of a problem but contribute directly to the operation of the computer. • <u>IEEE Standard of Computer</u> 	<p>other like operations”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '937 patent, 1:1-12:32, Figs. 1-6 and accompanying text. • '937 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • housekeeping: any of various routines designed to keep the system, the environment within which a program runs, or the data structures within a program itself in good working order. Housekeeping routines include periodically updating the clock, compacting the heap, and deallocating memory that is no longer needed. MICROSOFT PRESS OFFICE DICTIONARY (2d. ed. 1994) p.201 • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '937 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-8			
U.S. Patent No. 5,721,937			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>Dictionary (1990):</u> housekeeping operation. A computer operation that establishes or reestablishes a set of initial conditions to facilitate the execution of a computer program; for example, initializing storage areas, clearing flags, rewinding tapes, opening and closing files.</p> <ul style="list-style-type: none"> • <u>Computer Dictionary (1992):</u> Computer operations that do not directly contribute toward the desired results, but are a necessary part of a program, such as initialization, set-up, and clean-up operations. Sometimes called bookkeeping. • NetApp experts may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '937 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	

Exhibit A-9			
U.S. Patent No. 6,049,528			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 13, 15, 21	“media access control layer” / “MAC layer”	<p><u>PROPOSED CONSTRUCTION:</u> A sublayer of the IEEE 802 standard that serves as an intermediary between a physical layer and higher network protocol layers and sends and receives Ethernet packets</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:3-9; 2:16-46; 5:19-29; 6:39-41; 6:62-7:5; 9:30-31; 10:27-29; 10:46-49; 11:12-16; Figs 1A, 3, 4A, 4B and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Layered Protocols, http://docs.sun.com/app/docs/doc/805-4041/6j3r8iu2e?l=en&a=view&q=layered+protocols. • See How the TCP/IP Protocols Handle Data Communications, http://docs.sun.com/app/docs/doc/816-4554/ipov-29?l=en&a=view. • Peter Dyson, <u>Dictionary of Networking</u> (1994): media access control Abbreviated MAC. The lower component of the data link layer that governs access to the transmission medium. The logical link control layer is the upper component of the data link layer. MAC is used in CSM/CD and token-ring LANs as well as in other types of networks. (A diagram is included showing the position of the MAC layer). • Martin H. Weik, DSc., <u>Communications</u> 	<p><u>PROPOSED CONSTRUCTION:</u> “the Media Access Control (MAC) sublayer of the IEEE 802 standard”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • ’528 patent, Col. 1:1-24:34, Figs. 1-4B and accompanying text. • ’528 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun’s expert concerning the meaning of this term to one of skill in the art in the context of its use in the ’528 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-9			
U.S. Patent No. 6,049,528			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>Standard Dictionary</u> (1989): medium-access control sublayer. In <i>OSI</i>, that part of the <i>data-link layer</i> that supports topology-dependent <i>functions</i> and uses the services of the <i>physical layer</i> to provide services to the <i>logical-link control sublayer</i>.</p> <ul style="list-style-type: none"> • Mitch Tulloch and Ingrid Tulloch, Microsoft Encyclopedia of Networking 495, 746-47, 749 (2002). • Tony Acampora, An Introduction to Broadband Networks: LANs, MANs, ATM, B-ISDN, and Optical Networks for Integrated Multimedia Telecommunications, Plenum Press, 28-29 (1994). • See U.S. Pat. No. 5,784,559; U.S. Pat. No. 5,940,401; U.S. Pat. No. 6,049,528. • Dr. Anthony Acampora or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	

Exhibit A-9			
U.S. Patent No. 6,049,528			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
9, 10, 18, 29, 30	“pseudo-driver” / “pseudo-driver software layer”	<p><u>PROPOSED CONSTRUCTION:</u> a software or hardware module that splits data in the transmit path and merges data in the receive path of the interfaces</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 7:16-32; 10:27-45; 11:47-50; 12:1-22; 14:1-18:33; 19:14-50; 20:56-22:3; Figs 3, 4A, 4B and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Frazier et al., <i>Simple Trunking Model (STruM)</i>, pp. 4-5 (1997). • See Layered Protocols, http://docs.sun.com/app/docs/doc/805-4041/6j3r8iu2e?l=en&a=view&q=layered+protocols • Dr. Anthony Acampora or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: “a software layer between the IP (or network) layer and the device driver portion of the physical layer.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '528 patent, Col. 1:1-24:34, Figs. 1-4B and accompanying text. • '528 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
11, 19	“Ethernet-compatible”	<p><u>PROPOSED CONSTRUCTION:</u> a protocol that can interoperate with the Ethernet protocol</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:5-7; 4:12-20; 6:58-59; 6:62-65; 10:22-26; 11:23-25; 14:4-7. <p><u>EXTRINSIC EVIDENCE</u></p>	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '528 patent, Col. 1:1-24:34, Figs. 1-4B and accompanying text. • '528 patent prosecution history, All Office Actions,

Exhibit A-9			
U.S. Patent No. 6,049,528			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • See Layered Protocols, http://docs.sun.com/app/docs/doc/805-4041/6j3r8iu2e?l=en&a=view&q=layered+protocols • See Tanenbaum, <i>Computer Networks</i>, 2nd ed., pp. 141-148 (1989). • Dr. Anthony Acampora or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
13, 21	“dynamically combines the first and second physical links...” /	<p><u>PROPOSED CONSTRUCTION:</u> Indefinite. If construed, then modifiably and logically joining the first and second physical links or ports.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 8:26-28. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Anthony Acampora or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: “combines the first and second physical links in a flexible and rapidly reconfigurable way.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '528 patent, Col. 1:1-24:34, Figs. 1-4B and accompanying text. • '528 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • Sun reserves the right to rely on any evidence

Exhibit A-9			
U.S. Patent No. 6,049,528			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			identified by NetApp.
13, 21	“dynamically combines the first port and the second port”	<p><u>PROPOSED CONSTRUCTION:</u> Indefinite. If construed, then modifiably and logically joining the first and second physical links or ports.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 8:26-28. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Anthony Acampora or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: “combines the first and second physical ports in a flexible and rapidly reconfigurable way.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '528 patent, Col. 1:1-24:34, Figs. 1-4B and accompanying text. • '528 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
15, 24	“map-table”	<p><u>PROPOSED CONSTRUCTION:</u> Indefinite. If construed, then a data structure that associates one or more physical links or interfaces with one or more Media Access Control addresses.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 5:19-34; 7:35-40; 13:4-22; 13:48-59; 20:18-54; 21:1-25. <p><u>EXTRINSIC EVIDENCE</u></p>	<p><u>PROPOSED CONSTRUCTION:</u> “table mapping layer 3 and layer 2 network identification information”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '528 patent, Col. 1:1-24:34, Figs. 1-4B and accompanying text. • '528 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any

Exhibit A-9			
U.S. Patent No. 6,049,528			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • Dr. Anthony Acampora or another expert may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '528 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 3, 15, 17, 24	“dedicated partitions”	<p><u>PROPOSED CONSTRUCTION:</u> Range of disk drive devices in a redundancy group in which space has been allocated and data is currently stored.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 13:32-14:37, 16:16-46, 16:66-17:31, Fig. 5 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, Col. 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 15, 24	“free partitions”	<p><u>PROPOSED CONSTRUCTION:</u> Range of disk drive devices in a redundancy group on which all space is free and no data is currently stored.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 13:32-14:37, 16:16-46, 16:66-17:31, Fig. 5 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, Col. 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>patent.</p> <ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 15, 24	"memory controller"	<p><u>PROPOSED CONSTRUCTION:</u> Control unit for a disk drive data storage subsystem.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 2:41-49, 3:55-4:3, 4:38 -7:38, 8:44-12:29; Figs. 1-13 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "control unit."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '012 patent, Col. 1:1-24:57, Figs. 1-13 and accompanying text. '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 15, 24	"reading said memory controller"	<p><u>PROPOSED CONSTRUCTION:</u> Obtaining information from said memory controller (as construed herein).</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 2:41-49, 3:55-4:3, 4:38 -7:38, 8:44-12:29; Figs. 1-13 and accompanying text. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "reading data maintained by the control unit."</p> <p><u>EVIDENCE:</u></p>

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> • '012 patent, Col. 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 3, 15, 17, 24	"periodically"	<p><u>PROPOSED CONSTRUCTION:</u> On a repeating basis over time according to a scheduled interval.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:9-12, 2:16-30, 2:61-67, 12:30-17:30; Fig. 9, 11 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "routinely."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			identified by NetApp.
3, 17	"physical segment"	<p><u>PROPOSED CONSTRUCTION:</u> This term is indefinite.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 2:22-24, 3:43-47, 3:51-54, 4:19-21, 5:37-40, 5:47-49, 6:54-58, 14:33-37, 16:39-46. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "a division of a disk drive."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 3	"means for identifying said dedicated and said free partitions" 112(6)	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is identifying said dedicated and said free partitions.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 4:38-12:29, 13:32-14:37, 16:16-46, 	<p><u>PROPOSED CONSTRUCTION:</u> This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6. <u>Function:</u> "for identifying said dedicated and said free partitions" <u>Structure:</u> "portion of the control unit and associated software maintaining data identifying dedicated and free partitions 800"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '012 patent, 1:1-24:57, Figs. 1-13 and accompanying

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>16:66-17:31, Figs. 1, 2, 5, 8-13 and accompanying text.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>text.</p> <ul style="list-style-type: none"> • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1	“means for reading said memory controller to determine the identity of said dedicated partitions” 112(6)	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is reading said memory controller to determine the identity of said dedicated partitions.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 4:38-12:29, 13:32-14:37, 16:16-46, 16:66-17:31, Figs. 1, 2, 5, 8-13 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. 	<p><u>PROPOSED CONSTRUCTION:</u></p> <p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><u>Function:</u> “for reading said memory controller to determine the identity of said dedicated partitions”</p> <p><u>Structure:</u> “portion of the control unit and associated software determining the identity of dedicated partitions 1003”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	<p>in the '012 patent.</p> <ul style="list-style-type: none"> Sun reserves the right to rely on any evidence identified by NetApp.
1	<p>“means responsive to said reading of said memory controller for periodically verifying the integrity of data currently stored in each of said identified dedicated partitions” <i>112(6)</i></p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is responsive to said reading of said memory controller, periodically verifying the integrity of data currently stored in each of said identified dedicated partitions.</p> <p>The corresponding structures are control unit 101, disk drive subassembly, and scrubbing procedure(s).</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 4:38-17:31, Figs. 1, 2, 5, 8-13 and accompanying text; File History, Amendments, Sept. 1, 1995, and Mar. 6, 1996. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '012 patent, Col. 4, line 40-Col. 6, line 67, Col. 9, line 19-Col. 10, line 29; Col. 12, line 31-Col. 15, line 44; Col. 15, line 51-Col. 16, line 47; FIGs 1, 2, 5, and associated disclosure. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1	<p>“means for reading data in each of said identified dedicated partitions” <i>112(6)</i></p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is reading data in each of said</p>	<p><u>PROPOSED CONSTRUCTION:</u> This limitation is a means-plus-function limitation governed by 35 U.S.C. § 112, paragraph 6. <u>Function:</u> “for reading data in each of said identified</p>

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>identified dedicated partitions.</p> <p>The corresponding structure is control unit 101 and disk drive manager 102-1.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 4:38-17:31, Figs. 1, 2, 5, 8-13 and accompanying text; File History, Amendments, Sept. 1, 1995, and Mar. 6, 1996. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>dedicated partitions”</p> <p><u>Structure:</u> “portion of the control unit and associated software to read data from disk 1202”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, Claims 1 and 24; Col. 4, lines 40-57; Col. 4, line 63-Col. 5, line 19; Col. 5, line 63-Col. 6, line 67; Col. 12, line 31-Col. 15, line 44; Col. 15, line 51-Col. 16, line 47; FIGs 2, 5, and 9-13 and associated disclosure. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1	<p>“means responsive to said reading of data from each said identified dedicated partition for generating error check information from said read data” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is responsive to said reading of data from each said identified dedicated partition, generating error check information from said read data.</p> <p>The corresponding structure is disk drive subassembly.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:50-67, 5:20-60, 10:7-17, 12:30-17:31, Fig. 12 and accompanying text. 	<p><u>PROPOSED CONSTRUCTION:</u></p> <p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><u>Function:</u> “for generating error check information from said read data”</p> <p><u>Structure:</u> “portion of the control unit and associated software to generate error check information 1203”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1	<p>“means responsive to said generation of said error check information for detecting errors in data in each said identified dedicated partition” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is responsive to said generation of said error check information, detecting errors in data in each said identified dedicated partition.</p> <p>The corresponding structures are disk drive subassembly.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • 2:50-67, 5:20-60, 10:7-17, 12:30-17:31, Fig. 12 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> This limitation is a means-plus-function limitation governed by 35 U.S.C. § 112, paragraph 6. <u>Function:</u> “for detecting errors in data in each said identified dedicated partition” <u>Structure:</u> “portion of the control unit and associated software to match read error check information and generated error check information 1209”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
3	“means responsive to said detection of errors for correcting said data containing errors” 112(6)	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is responsive to said detection of errors, correcting said data containing errors.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:50-67, 5:20-60, 10:7-17, 12:30-17:31, Fig. 12 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> This limitation is a means-plus-function limitation governed by 35 U.S.C. § 112, paragraph 6. <u>Function:</u> “for correcting said data containing errors” <u>Structure:</u> “portion of the control unit and associated software to correct data containing errors 1008.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
3	“means for comparing said generated error check information with said error check data stored on said disk drives, a mismatch between said generated error check information and said error check data being indicative of an error in	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is comparing said generated error check information with said error check data stored on said disk drives, a mismatch between said generated error check information and said error check data being indicative of an error in said read data.</p> <p>The corresponding structures are disk drive</p>	<p><u>PROPOSED CONSTRUCTION:</u> This limitation is a means-plus-function limitation governed by 35 U.S.C. § 112, paragraph 6. <u>Function:</u> “for comparing said generated error check information with said error check data stored on said disk drives, a mismatch between said generated error check information and said error check data being indicative of an error in said read data” <u>Structure:</u> “portion of the control unit and associated software to match read error check information and generated error check information 1209”</p>

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
	said read data” 112(6)	<p>subassembly.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:50-67, 5:20-60, 10:7-17, 12:30-17:31, Fig. 12 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, Col. 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
3	“means for storing data that indicates a mapping between each said logical partition and a physical segment of a corresponding disk drive” 112(6)	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is storing data that indicates a mapping between each said logical partition and a physical segment of a corresponding disk drive.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 4:38-9:16, Figs. 1, 2, 8 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning 	<p><u>PROPOSED CONSTRUCTION:</u></p> <p>This limitation is a means-plus-function limitation governed by 35 U.S.C. § 112, paragraph 6.</p> <p><u>Function:</u> “for storing data that indicates a mapping between each said logical partition and a physical segment of a corresponding disk drive”</p> <p><u>Structure:</u> “virtual track directory, 4”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>the meaning of this term to one of skill in the art in the context of its use in the '012 patent.</p> <ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. Sun reserves the right to rely on any evidence identified by NetApp.
3	<p>“means for recording at least one flag bit, corresponding to a one of said logical partitions and indicative of whether said one logical partition is verifiable in a presently active periodic cycle” 112(6)</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is recording at least one flag bit, corresponding to a one of said logical partitions and indicative of whether said one logical partition is verifiable in a presently active periodic cycle.</p> <p>The corresponding structure is control unit 101.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Abstract; 1:9-12, 2:16-30, 2:61-67, 8:60-67, 10:7-17, 11:16-47, 12:30-17:30; Figs. 1, 2, 9, 11, 13, and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> This limitation is a means-plus-function limitation governed by 35 U.S.C. § 112, paragraph 6. <u>Function:</u> “for recording at least one flag bit, corresponding to a one of said logical partitions and indicative of whether said one logical partition is verifiable in a presently active periodic cycle” <u>Structure:</u> “portion of the control unit and associated software to store at least one flag bit within a space directory, Figure 8.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
5	“means for storing a stream of data received from said at least one connected data processor on said N disk drives in a selected redundancy group” 112(6)	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is storing a stream of data received from said at least one connected data processor on said N disk drives in a selected redundancy group.</p> <p>The corresponding structure is control unit 101 and disk drive manager 102-1.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:30-67, 3:29-4:21, 4:4-9:16, 10:30-11:47, Figs. 1, 2, 3, 5, 7, 8 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u></p> <p>This limitation is a means-plus-function limitation governed by 35 U.S.C. § 112, paragraph 6.</p> <p><u>Function:</u> “for storing a stream of data received from said at least one connected data processor on said N disk drives in a selected redundancy group”</p> <p><u>Structure:</u> “a control unit 101 connecting one or more disk drives (122-124) to one or more data processors (11)”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
5	“means, responsive to storing of said data on all N disk drives in said selected redundancy group, for writing M segments of redundancy data, computed from said data stored on said N disk drives in said	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is responsive to storing of said data on all N disk drives in said selected redundancy group, writing M segments of redundancy data, computed from said data stored on said N disk drives in said selected redundancy group, on to said M disk drives of</p>	<p><u>PROPOSED CONSTRUCTION:</u></p> <p>This limitation is a means-plus-function limitation governed by 35 U.S.C. § 112, paragraph 6.</p> <p><u>Function:</u> “for writing M segments of redundancy data”</p> <p><u>Structure:</u> “a control unit 101 writing redundancy data on one or more disk drives (122-124)”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, 1:1-24:57, Figs. 1-13 and accompanying

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
	selected redundancy group, on to said M disk drives of said selected redundancy group” 112(6)	<p>said selected redundancy group.</p> <p>The corresponding structure is control unit 101 and disk drive manager 102-1.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 1:15-2:12, 2:30-67, 3:29-4:21, 4:4-9:16, 10:30-11:47, Figs. 1, 2, 3, 5, 7, 8 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>text.</p> <ul style="list-style-type: none"> • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
	“in a presently active periodic cycle”	<p><u>PROPOSED CONSTRUCTION:</u> In a presently active specific instance among multiple instances of something done periodically (as construed herein).</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:9-12, 2:16-30, 2:61-67, 12:30-17:30; Fig. 9, 11 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides to construe this term, the term should be construed to mean: “in a presently active time cycle.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. • '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.

Exhibit A-10			
U.S. Patent No. 5,632,012			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>patent.</p> <ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. Sun reserves the right to rely on any evidence identified by NetApp.
	<p>“means responsive to said reading of data from each said identified dedicated partition for generating error check information from said read data”</p>	<p><u>PROPOSED CONSTRUCTION:</u> This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p>The function is responsive to said reading of data from each said identified dedicated partition, generating error check information from said read data.</p> <p>The corresponding structure is disk drive subassembly.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 2:50-67, 5:20-60, 10:7-17, 12:30-17:31, Fig. 12 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> This limitation is a means-plus-function limitation governed by 35 USC § 112, paragraph 6.</p> <p><u>Function:</u> “for generating error check information from said read data”</p> <p><u>Structure:</u> Hardware and Software in the disk drive subassembly that generates error check information, 1203.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '012 patent, 1:1-24:57, Figs. 1-13 and accompanying text. '012 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '012 patent. Sun reserves the right to rely on any evidence identified by NetApp.

Exhibit A-11			
U.S. Patent No. 6,421,787			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 6, 7, 12, 14, 15, 37	“connection module”	<p><u>PROPOSED CONSTRUCTION:</u> Software and/or circuitry in a cluster node that manages the exchange of data between nodes.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 3:51-67; 8:13-22; 17:61-18:31; 18:43-47; Figs. 3, 4, 5, 6A, 6B, 7, 8, 9 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> <u>IEEE Standard of Computer Dictionary (1990):</u> module. (2) A logically separable part of a program. <i>Note:</i> The terms “module,” “component,” and “unit” are often used interchangeably or defined to be sub-elements of one another in different ways depending upon the context. The relationship of these terms is not yet standardized. <u>Computer Dictionary (1992):</u> module (1) One logical part of a program. A major program may be broken down into a number of logically self-contained modules. These modules may be written (and possible tested separately) by a number of programmers. The modules can then be put together to form the complete program. This is called modular programming. (2) Interchangeable plug-in item containing components. (3) A set of logically related statements that perform a specific function. Dr. Greg Ganger or another expert may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. NetApp reserves the right to rely on any evidence 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: “a portion of the operating circuitry and/or software of the first node capable of conveying a data access request to an active node.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '787 patent, Abstract, Col. 1:1-22:22, Figs. 1-12 and accompanying text. '787 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. module: 1. In programming, a collection of routines and data structures that performs a particular task or implements a particular abstract data type. Modules usually consist of two parts: an interface, which lists the constants, data types, variables and routines that can be accessed by other modules or routines and an implementation, which is private (accessible only to the module) and which contains the source code that actually implements the routines in the module. . . . 2. In hardware, a self-contained component that can provide a complete function to a system and can be interchanged with other modules that provide similar functions. MICROSOFT PRESS COMPUTER DICTIONARY (3rd ed. 1997) P. 313.

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		identified by Sun.	<ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 2, 5, 7, 8, 11, 37, 38, 39	"configuration module"	<p>PROPOSED CONSTRUCTION: Software and/or circuitry in a cluster node that monitors and manages cluster configuration.</p> <p>INTRINSIC EVIDENCE</p> <ul style="list-style-type: none"> • See 3:51-67; 8:13-22; 17:61-18:34; 18:41-42; 18:45-54; 20:54-22:21; Figs. 3, 4, 5, 6A, 6B, 7, 8, 11, 12 and accompanying text. • <p>EXTRINSIC EVIDENCE</p> <ul style="list-style-type: none"> • <u>IEEE Standard of Computer Dictionary (1990):</u> module. (2) A logically separable part of a program. <i>Note:</i> The terms "module," "component," and "unit" are often used interchangeably or defined to be sub-elements of one another in different ways depending upon the context. The relationship of these terms is not yet standardized. • <u>Computer Dictionary (1992):</u> module (1) One logical part of a program. A major program may be broken down into a number of logically self-contained modules. These modules may be written (and possibly tested separately) by a number of programmers. The modules can then be put together to form the complete program. This is called modular programming. (2) Interchangeable plug-in item containing components. (3) A set of logically related statements that perform a specific function. 	<p>PROPOSED CONSTRUCTION: Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "a portion of the operating circuitry and/or software of the first node capable of establishing connections between nodes."</p> <p>EVIDENCE:</p> <ul style="list-style-type: none"> • '787 patent, Abstract, 1:1-22:22, Figs. 1-12 and accompanying text. • '787 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • module: 1. In programming, a collection of routines and data structures that performs a particular task or implements a particular abstract data type. Modules usually consist of two parts: an interface, which lists the constants, data types, variables and routines that can be accessed by other modules or routines and an implementation, which is private (accessible only to the module) and which contains the source code that actually implements the routines in the module. . . . 2. In hardware, a self-contained component that can

Exhibit A-11			
U.S. Patent No. 6,421,787			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>provide a complete function to a system and can be interchanged with other modules that provide similar functions. MICROSOFT PRESS COMPUTER DICTIONARY (3rd ed. 1997) P. 313.</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 27, 37	"communication link"	<p><u>PROPOSED CONSTRUCTION:</u> a multi-drop or point-to-point link</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 1:42-45, 2:55-57, 3:56-67, 4:1-14, 4:15-32, 5:22-33, 5:57-59, 6:16-19, 6:54-56, 7:19-25, 8:17-29, 9:48-10:7, 12:37-47, 12:51-53, 12:67-13:1, 14:19-23, 14:26-29, 14:47-49, 15:10-32, 15:39-44, 17:60-18:31, 18:48-54, 19:12-32, 19:59-20:18, 20:43-22:9, 22:15-22, Figs. 1, 2, 3, 6A, 6B, 9 and accompanying text. • File History, Amendment Sept. 28, 2000. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>Comprehensive Dictionary of Electrical Engineering (1999): communication link</u> a point-to-point communication system that typically involves a single information source and a single user. This is in contrast to a communication network, which usually involves many sources and many users. • Dr. Greg Ganger may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "a path for transferring data."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '787 patent, Abstract, 1:26-45, 2:44-59, 3:51-67, 4:1-32, 5:21-6:55, 7:17-28, 8:13-32, 9:62-10:29, 12:38-62, 14:12-58, 15:10-45, 17:60-22:22, Figs. 1-3, 6A, 6B, 8, 9 and accompanying text. • '787 patent prosecution history, Amendment of 9/28/00. • link: To interconnect the items of data or portions of one or more computer programs. PRENTICE HALL'S ILLUSTRATED DICTIONARY OF COMPUTING (2d ed. 1995). p. 347. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

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U.S. Patent No. 6,421,787			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	
2, 3, 4, 38	“configuration database”	<p><u>PROPOSED CONSTRUCTION:</u> Memory or disk storage area for storing configuration parameters.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> <i>See</i> Abstract; 3:3-13; 7:50-66; 8:13-40; 8:60-66; 9:26-29; 11:15-17; 12:17-22; 12:40-45; 12:63-13:1; 13:66-14:5; 14:18-25; 16:27-64; 17:17-34; 18:32-40; 19:53-58; 20:35-42; 22:10-14; Figs. 3, 4, 5, 7, 8, 11, 12 and accompanying text. <p>•</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> <u>IBM Dictionary of Computing</u> (1994): database (1) A collection of data with a given structure for accepting, storing, and providing, on demand, data for multiple users. <u>Computer Dictionary</u> (1992): database Most generally, any clearly identified collection of data, such as a telephone book or the cart catalog at a library. In theory, a database should contain all its information in one central store or file, each record in the file containing roughly the same type of information – such as name, address, city, state, zip code, area code, and telephone number. Each of these categories is called a field, while a record consists of a set of fields pertaining to one person or item. The database file is made up of a number of related records. Some people differentiate between a data base (two words) and a database (single word) as a coherent collection of data entered into a computer system. As applied to data in the computer, it 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: “a database that contains configuration information.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '787 patent, Abstract, 1:1-22:22, Figs. 1-12 and accompanying text. '787 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. Sun reserves the right to rely on any evidence identified by NetApp.

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>particularly means data organized so that various program can access and update the information.</p> <ul style="list-style-type: none"> • U.S. Patent No. 6,014,669. • Dr. Greg Ganger or another expert may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	
7	“private interface”	<p><u>PROPOSED CONSTRUCTION:</u> A physical interconnect dedicated to communications between two components.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 8:25-26; 9:3-4; 12:11-12; 18:45-47; Fig. 3 and accompanying text. • <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: “a shared boundary between 2 functional units that is exclusive.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '787 patent, Abstract, 1:1-22:22, Figs. 1-12 and accompanying text. • '787 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • interface: 1. The point at which a connection is made between 2 elements so that they can work with each other. 2. Software that enables a program to work with the user (the user interface, which can be command-line interface, menu-driven, or a graphical user interface) with another program such as the operating system, or with the computer's hardware. 3. A card, plug or other

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			<p>device that connects pieces of hardware with the computer so that information can be moved from place to place. For example, standardized interfaces such as RS-232-C standard and SCSI enable communications between computers and printers or disks. See also RS-232-C standards, SCSI. 4. A networking or communications standard, such as the ISO/OSI model, that defines ways for different systems to connect and communicate. MICROSOFT PRESS COMPUTER DICTIONARY (3rd ed. 1997) p. 257.</p> <ul style="list-style-type: none"> • interface: Any of the electrical and logical devices that permit computers and peripherals to be interconnected. The term is synonymous with 'port.' [ISO A shared boundary between two functional units, defined by functional characteristics, common physical interconnection characteristics, signal characteristics, and other characteristics as appropriate. PRENTICE HALL'S ILLUSTRATED DICTIONARY OF COMPUTING (2d ed. 1995), p. 308. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
6, 20, 31	"kernel module"	<p><u>PROPOSED CONSTRUCTION:</u> A software component that is made part of the operating system kernel.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 7:50-8:2; 18:43-44; 19:38-39; 20:24-26; Fig. 3 and accompanying text. • <p><u>EXTRINSIC EVIDENCE</u></p>	<p><u>PROPOSED CONSTRUCTION:</u> "a portion of the operating circuitry and/or software that performs important tasks"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '787 patent, Abstract, 1:1-22:22, Figs. 1-12 and accompanying text. • '787 patent prosecution history, All Office Actions,

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U.S. Patent No. 6,421,787			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • <u>IEEE Standard of Computer Dictionary</u> (1990): kernel. (2) A software module that encapsulates an elementary function or functions of a system. • Dr. Greg Ganger or another expert may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability.</p> <ul style="list-style-type: none"> • kernel: A set of essential operating routines used by the operating system (usually hidden from the user) to perform important system tasks, such as managing the system memory or controlling disk operations. PRENTICE HALL'S ILLUSTRATED DICTIONARY OF COMPUTING (2d ed. 1995). p. 326. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 16, 19, 27, 30, 37	"connection"	<p><u>PROPOSED CONSTRUCTION</u>: A logical communication channel between two nodes.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:20-22; 3:51-67; 4:1-32; 5:41-55; 8:13-16; 12:38-63; 13:1-5; 13:34-39; 14:26-27; 14:59-67; 17:43-47; 17:59-18:31; 19:12-30; 19:34-36; 19:59-20:14; 20:21-23; 20:54-22:9; Figs. 6A, 6B, 8 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>IBM Dictionary of Computing</u> (1994): connection (1) In data communication, an association established between functional units for conveying information. • <u>Dictionary of Computer Words</u> (1993): connection (3) An association established between functional units for conveying information. 	<p><u>PROPOSED CONSTRUCTION</u>: Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "a path for transferring data."</p> <p><u>EVIDENCE</u>:</p> <ul style="list-style-type: none"> • '787 patent, Abstract, 1:1-22:22, Figs. 1-12 and accompanying text. • '787 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • connection: 1. An association established between

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U.S. Patent No. 6,421,787			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>functional units for conveying information. 2. A mechanism that enables interaction among modules, particularly procedure calls to asynchronous procedures. PRENTICE HALL'S ILLUSTRATED DICTIONARY OF COMPUTING (2d ed. 1995). p. 119</p> <ul style="list-style-type: none"> • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 8, 37, 39	"node-to-node-link"	<p><u>PROPOSED CONSTRUCTION:</u> A point-to-point link.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:42-45, 3:51-67, 4:1-32, 5:22-33, 5:57-59, 6:16-19, 7:19-25, 8:17-29, 9:48-10:65, 12:37-47, 12:51-53, 12:67-13:1, 14:19-23, 14:26-29, 14:47-49, 15:10-32, 15:39-44, Figs. 1, 2, 3, 6A, 6B, 9 and accompanying text. • File History, Amendment Sept. 28, 2000. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>Dictionary of Computer Words</u> (1993): Node-to-Node Routing A routing method used to deliver a packet from its source node to its destination, as opposed to simply direct a packet to the router nearest the destination node. • Dr. Greg Ganger or another expert may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides to construe this term, the term should be construed to mean: "a path from a first node to a second node."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '787 patent, Abstract, 1:1-22:22, Figs. 1-12 and accompanying text. • '787 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
16	"data"	<u>PROPOSED CONSTRUCTION:</u> A multi-drop link.	<u>PROPOSED CONSTRUCTION:</u> Sun contends this

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
	communication bus"	<p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 1:42-45, 2:55-57, 3:51-67, 4:1-32, 5:22-33, 5:57-59, 6:16-19, 6:54-56, 7:19-25, 8:17-29, 9:48-10:65, 12:37-47, 12:51-53, 12:67-13:1, 14:19-23, 14:26-29, 14:47-49, 15:10-32, 15:39-44, Figs. 1, 2, 3, 6A, 6B, 9 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • <u>Computer Dictionary (1992)</u>: bus Channel or path for transferring data and electrical signals. • <u>Computer Dictionary (1992)</u>: multidrop line Communications system configuration that uses a single channel or line to service several terminals. • <u>Hargrave's Communications Dictionary (2001)</u>: bus (1) Generally, one or more conductors used to transfer signals or power among a group of related devices. • <u>Hargrave's Communications Dictionary (2001)</u>: multidrop line A transmission configuration where in a single transmission line is shared by several end stations. For example, an Ethernet bus topology provides a <i>multidrop</i> connection, as does a telephone party line. Also called a <i>multi-drop line</i> or a <i>multipoint line</i>. • Dr. Greg Ganger or another expert may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>term does not require construction because the term is clear on its face. However, if the Court decides to construe this term, the term should be construed to mean: "one or more conductors for transferring data."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '787 patent, Abstract, 1:1-22:22, Figs. 1-12 and accompanying text. • '787 patent prosecution history, All Office Actions, Information Disclosure Statements, Responses to Office Actions, Amendments, Briefs on Appeal and/or any prior art cited therein, including without limitation, any references cited by the examiner or applicants, and any Notice of Allowance or Allowability. • bus: (3) One or more conductors used for transmitting signals or power from one or more sources to one or more destinations. IEEE, 6th ed. 1996, p. 117 • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
16, 27	"active link between said	<u>PROPOSED CONSTRUCTION:</u> active point-to-point links or active physical connections to a multi-drop link	<u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
	active nodes"	<p>between devices in a cluster that are not storage devices</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 1:10-59, 1:63-2:7, 2:17-25, 2:32-40, 2:44-59, 2:50-3:3, 3:20-30, 3:51-67, 4:1-14, 4:15-32, 5:20-33, 5:39-55, 5:57-59, 6:2-19, 6:20-30, 6:51-56, 7:16-28, 7:50-62, 8:17-29, 9:5-12, 9:26-34, 9:39-10:7, 10:22-25, 10:44-58, 11:8-9, 11:25-30, 11:65-12:1, 12:37-47, 12:51-56, 12:67-13:5, 13:18-33, 14:2-3, 14:19-23, 14:26-29, 14:46-49, 15:10-32, 15:39-44, 16:29-30, 16:34-46, 16:54-62, 17:2-16, 17:45-47, 17:60-18:31, 18:48-54, 19:12-32, 19:59-20:18, 20:43-22:9, 22:15-22, Figs. 1, 2, 3, 6A, 6B, 9, 11, 12 and accompanying text. • File History, Amendment Sept. 28, 2000. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger or another expert may testify concerning the meaning of the term to one of skill in the art in the context of its use in the '787 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>clear on its face. However, if the Court decides to construe this term, the term should be construed to mean: "paths capable of transferring data between nodes capable of sending and receiving data."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '787 patent, Abstract, Col. 1:26-45, 2:44-3:13, 3:51-67, 4:1-32, 5:21-6:55, 7:17-28, 8:6-9:35, 9:62-10:42, 12:38-62, 14:12-58, 15:10-45, 17:2-16, 17:60-22:22, Figs. 1-3, 6A, 6B, 8, 9 and accompanying text. • '787 patent prosecution history, Amendment of 9/28/00. • Testimony by Sun's expert concerning the meaning of this term to one of skill in the art in the context of its use in the '787 patent. • Sun reserves the right to rely on any evidence identified by NetApp.